

## **§ 339.202**

remove an appointee by reason of physical or mental unfitness for the position for which he or she has applied, or to which he or she has been appointed. An OPM decision under this section is separate and distinct from a determination of disability under § 831.502, § 844.103, § 844.202, or subpart L of part 831 of this title, and does not necessarily entitle the employee to disability retirement under sections 8337 or 8451 of title 5, United States Code.

### **§ 339.202 Medical standards.**

OPM may establish or approve medical standards for a Governmentwide occupation (*i.e.*, an occupation common to more than one agency). An agency may establish medical standards for positions that predominate in that agency (*i.e.*, where the agency has 50 percent or more of the positions in a particular occupation). Such standards must be justified on the basis that the duties of the position are arduous or hazardous, or require a certain level of health status or fitness because the nature of the positions involve a high degree of responsibility toward the public or sensitive national security concerns. The rationale for establishing the standard must be documented. Standards established by OPM or an agency must be:

- (a) Established by written directive and uniformly applied,
- (b) Directly related to the actual requirements of the position.

[54 FR 9763, Mar. 8, 1989, as amended at 66 FR 66710, Dec. 27, 2001]

### **§ 339.203 Physical requirements.**

Agencies are authorized to establish physical requirements for individual positions without OPM approval when such requirements are considered essential for successful job performance. The requirements must be clearly supported by the actual duties of the position and documented in the position description.

### **§ 339.204 Waiver of standards and requirements.**

Agencies must waive a medical standard or physical requirement established under this part when there is sufficient evidence that an applicant or employee, with or without reasonable

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accommodation, can perform the essential duties of the position without endangering the health and safety of the individual or others.

### **§ 339.205 Medical evaluation programs.**

Agencies may establish periodic examination or immunization programs by written policies or directives to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands. The need for a medical evaluation program must be clearly supported by the nature of the work. The specific positions covered must be identified and the applicants or incumbents notified in writing of the reasons for including the positions in the program.

### **§ 339.206 Disqualification on the basis of medical history.**

A candidate may not be disqualified for any position solely on the basis of medical history. For positions with medical standards or physical requirements, or positions subject to medical evaluation programs, a history of a particular medical problem may result in medical disqualification only if the condition at issue is itself disqualifying, recurrence cannot medically be ruled out, and the duties of the position are such that a recurrence would pose a reasonable probability of substantial harm.

## **Subpart C—Medical Examinations**

### **§ 339.301 Authority to require an examination.**

(a) A routine preappointment examination is appropriate only for a position which has specific medical standards, physical requirements, or is covered by a medical evaluation program established under these regulations.

(b) Subject to § 339.103 of this part, an agency may require an individual who has applied for or occupies a position which has medical standards or physical requirements or which is part of an established medical evaluation program, to report for a medical examination:

- (1) Prior to appointment or selection (including reemployment on the basis